

<b>Report to</b>	Planning applications committee	<b>Item</b>  <b>3</b>
	30 March 2020	
<b>Report of</b>	Director of place	
<b>Subject</b>	Temporary proposed revised scheme of delegation	

---

### **Purpose**

This report proposes to amend, temporarily, the committee's current scheme of delegated powers that enable certain applications to be determined at officer level without referral to committee, in response to the current government advice on public gathering in light of the coronavirus.

### **Recommendation**

To approve for use with immediate effect the changes to the scheme of delegation as set out in the 'Proposal' section of this report and at Appendix B.

### **Corporate and service priorities**

The report helps to meet the corporate priorities of great neighbourhoods, housing and environment, people living well and inclusive economy.

### **Financial implications**

There are no direct financial implications arising from this report.

**Ward/s:** All wards

**Cabinet member:** Councillor Stonard, cabinet member for sustainable and inclusive growth

### **Contact officers**

Graham Nelson, Director of Place	01603 212530
David Parkin, Area Development Manager	01603 212505
Mark Brown, Area Development Manager	01603 212542

**Background documents** - None

# Report

## Background

1. In October 2019, the committee approved the current scheme of delegation that enables decisions to be determined at officer level without referral to committee, this is reproduced at Appendix A. The current scheme of delegation allows for applications for planning applications to be approved and for tree preservation orders to be confirmed by officers unless certain criteria are met. These criteria relate mainly to the number of objections received.
2. The country faces an unprecedented situation with the spread of the coronavirus. Government measures, at the time of writing, aim to delay the spread of the disease by, in part, limiting contact between individuals. The current scheme of delegation allows for members of the public to attend any planning applications committee held, which runs contrary to that advice and places members of the public, committee members and council officers at risk.
3. The government has indicated that it may look to change legislation to enable virtual committees but to date this has not been taken forward and it is questionable if this could be successfully implemented even if such changes to legislation were made.

## Proposal

4. In order to avoid the risks outlined above and enable the continued operation of statutory planning services during this time, it is proposed that the scheme of delegation is modified so that all decisions can be made by officers but that those decisions that would otherwise have been referred to committee should be subject to consultation with the chair or vice-chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus pandemic. The exact wording of the revised scheme of delegation is at appendix B.
5. It is proposed that this modification is temporary and will be reviewed as soon as it is possible for a virtual or a physical planning committee to take place based on any changes in legislation which may emerge and future advice on public gathering in light of the coronavirus.

## **APPENDIX A – Current scheme of delegation**

### **A. Planning applications, conservation area applications, listed building applications and hazardous substances consent applications**

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major<sup>[1]</sup> planning applications if:

(a) subject to one or more objection raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or

(b) the proposal would represent a serious departure from the development plan.

(2) approval of non-major<sup>[2]</sup> applications if:

(a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;

(b) there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition); or

(c) the proposal would represent a significant departure to the approved development plan.

(3) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application be referred to the committee for decision.

(4) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

### **B. Prior notifications**

All applications will be determined by the area development managers with the exception of the following:

(1) In the case of telecoms cabinets, masts or antennae under Part 25 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior

---

<sup>[1]</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

<sup>[2]</sup> the opposite of major as defined above.

approval is required) that the area development managers decision must be subject to consultation with the chair and vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list.

**C. Planning enforcement**

All decisions will be made by the area development managers

**D. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs**

All decisions will be made by the area development managers with the exception of:

- (1) The confirmation of a tree preservation order served where there are 5 or more objections to that order UNLESS the order relates to a site upon which there is an existing order.

**E. Applications for Permission in Principle and for Technical Details Consent**

All decisions will be made by the area development managers

**F. Other**

Any Items which the director of regeneration and development considers appropriate to refer to the planning applications committee.

## **APPENDIX B – Revised scheme of delegation**

### **A. Planning applications, conservation area applications, listed building applications and hazardous substances consent applications**

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major<sup>[1]</sup> planning applications if:

(a) subject to one or more objection raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or

(b) the proposal would represent a serious departure from the development plan.

(2) approval of non-major<sup>[2]</sup> applications if:

(a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;

(b) there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition); or

(c) the proposal would represent a significant departure to the approved development plan.

(3) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application is considered by the chair of the planning applications committee.

(4) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

*Where any of (1)-(4) above applies, the decision must be subject to consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus pandemic. If the chair / vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the application may be determined by the area development managers.*

---

<sup>[1]</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

<sup>[2]</sup> the opposite of major as defined above.

## **B. Prior notifications**

All applications will be determined by the area development managers with the exception of the following:

- (1) In the case of telecoms cabinets, masts or antennae under Part 16 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the area development managers decision must be subject to consultation with the chair or vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list. Unless it is not possible for such consultation to take place due to the coronavirus pandemic

## **C. Planning enforcement**

All decisions will be made by the area development managers

## **D. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs**

All decisions will be made by the area development managers with the exception of:

- (1) The confirmation of a tree preservation order served where there are 5 or more objections to that order UNLESS the order relates to a site upon which there is an existing order.

If (1) applies, the decision to confirm the order must be made in consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus pandemic. If the chair and vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the order may be confirmed by the area development managers.

## **E. Applications for Permission in Principle and for Technical Details Consent**

All decisions will be made by the area development managers.